

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DIAGNOSTIC DEVICES, INC.,)

Plaintiff,)

vs.)

PHARMA SUPPLY, INC., NATIONAL)
HOME RESPIRATORY SERVICE, INC.)
d/b/a DIABETIC SUPPORT PROGRAM,)
and FRANK SUESS,)

Defendants.)

CASE NO.: 3:08-CV-00149

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(ii) and 41(a)(2) of the Federal Rules of Civil Procedure Plaintiff Diagnostic Devices, Inc. ("DDI") and Defendants Pharma Supply, Inc., National Home Respiratory Service, Inc. d/b/a Diabetic Support Program, and Frank Suess (collectively "Defendants") stipulate to a voluntary dismissal with prejudice of all claims and counterclaims brought by and between them in this action, which was previously consolidated with Case no. 3:08-CV-00559, and therefore jointly move the Court to enter the attached order dismissing all claims by DDI against Pharma and all claims by Pharma against DDI.

This 12th day of March, 2012.

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